



# CITY COUNCIL

## AGENDA REQUEST

<b>AGENDA OF:</b>	<b>DECEMBER 15, 2009</b>	<b>AGENDA REQUEST NO:</b>	<b>III-H</b>
<b>INITIATED BY:</b>	<b>LINDA DRAPP, ADMINISTRATIVE SECRETARY</b>	<b>RESPONSIBLE DEPARTMENT:</b>	<b>CITY SECRETARY</b>
<b>PRESENTED BY:</b>	<b>GLENDA GUNDERMANN, CITY SECRETARY</b>	<b>DEPARTMENT HEAD:</b>	<b>GLENDA GUNDERMANN, CITY SECRETARY(LDforGAG)</b>
		<b>ADDITIONAL DEPARTMENT. HEAD (S):</b>	<b>N/A</b>
<b>SUBJECT / PROCEEDING:</b>	<b>CITY COUNCIL MEETING MINUTES DECEMBER 01, 2009 APPROVE MINUTES</b>		
<b>EXHIBITS:</b>	<b>MINUTES DECEMBER 01, 2009</b>		
<b>CLEARANCES</b>		<b>APPROVAL</b>	
<b>LEGAL:</b>	<b>N/A</b>	<b>EXECUTIVE DIRECTOR:</b>	<b>N/A</b>
<b>PURCHASING:</b>	<b>N/A</b>	<b>ASST. CITY MANAGER:</b>	<b>N/A</b>
<b>BUDGET:</b>	<b>N/A</b>	<b>CITY MANAGER:</b>	<b>ALLEN BOGARD</b>
<b>BUDGET</b>			
<b>EXPENDITURE REQUIRED: \$</b>		<b>N/A</b>	
<b>CURRENT BUDGET: \$</b>		<b>N/A</b>	
<b>ADDITIONAL FUNDING: \$</b>		<b>N/A</b>	
<b>RECOMMENDED ACTION</b>			
Approve the minutes of the City Council meeting December 01, 2009.			

## EXHIBITS

STATE OF TEXAS §  
COUNTY OF FORT BEND §  
CITY OF SUGAR LAND §

CITY OF SUGAR LAND  
CITY COUNCIL REGULAR MEETING  
TUESDAY, DECEMBER 01, 2009

### REGULAR MEETING

The City Council of the City of Sugar Land convened in a regular meeting open to the public and pursuant to notice thereof duly given in accordance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, as amended, in Sugar Land City Hall within said City on Tuesday, December 01, 2009 at 5:30 o'clock P.M. and the roll was called of the members; to wit:

James A. Thompson, Mayor  
Thomas Abraham, Council Member at Large, Position One  
Jacqueline Baly Chaumette, Council Member at Large, Position Two  
Donald L. Smithers, Council Member District One  
Donald G. Olson, Council Member District Two  
Russell C. Jones, Council Member District Three  
Michael S. Schiff, Council Member District Four

### QUORUM PRESENT

All of said members were present.

Also present were:  
Allen Bogard, City Manager  
Glenda Gundermann, City Secretary  
Joe Morris, City Attorney, and  
A Number of Visitors

### CONVENE MEETING

*Mayor James Thompson* convened the session, open to the public, to order at 5:31 o'clock P.M.

### INVOCATION

*Council Member Olson* delivered the invocation.

### PLEDGE OF ALLEGIANCE

*Council Member Olson* led the pledge of allegiance to the Flag of the United States of America.

**PUBLIC COMMENT**

*Mayor Thompson* introduced Public Comment and entertained registered speakers. There were no public comments.

**REVIEW OF CONSENT AGENDA**

*Mayor Thompson* introduced Review of the Consent Agenda and entertained questions and/or comments.

*Mayor Thompson* requested Items III.B, Resolution No. 09-45, and III.E, Residential Solid Waste and Recycling Services, be pulled to the Regular Agenda.

**CONSENT AGENDA**

*Mayor Thompson* introduced III.A) **SECOND CONSIDERATION: CITY OF SUGAR LAND ORDINANCE NO. 1765** AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES BY ADDING A FEE FOR NOTICES ON THE MUNICIPAL CHANNEL'S COMMUNITY EVENT BULLETIN BOARD; III.C) **CITY OF SUGAR LAND RESOLUTION NO. 09-47** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, APPROVING THE TEXAS TRAFFIC SAFETY PROGRAM IMPAIRED DRIVING MOBILIZATION GRANT AGREEMENT BETWEEN THE STATE OF TEXAS AND THE CITY OF SUGAR LAND; and authorizing a budget adjustment in the amount of \$7,996.00 to revenues and expenditures; III.D) Authorizing renewal of annual software support and maintenance fees in the amount of \$83,103.00 with Tiburon, Incorporated; III.F) Approval of the minutes of the regular meeting of November 17, 2009.

Following a full and complete discussion, *Council Member Olson*, seconded by *Council Member Chaumette*, made a motion to approve the Consent Agenda with the exception of Items III.B and III.E which were pulled for separate consideration on the Regular Agenda. The motion carried unanimously.

**RESOLUTION NO. 09-45 – U.S. HIGHWAY 59 PEDESTRIAN AND BICYCLE PROJECT**

*Mayor Thompson* introduced consideration on **CITY OF SUGAR LAND RESOLUTION NO. 09-45** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, REQUESTING THAT THE TEXAS DEPARTMENT OF TRANSPORTATION ALLOCATE FUNDS FOR THE CITY'S U.S. HIGHWAY 59 PEDESTRIAN AND BICYCLE PROJECT; AND EXPRESSING THE CITY'S COMMITMENT TO FUNDING ITS SHARE OF THE PROJECT COSTS. *Mayor Thompson* requested Item No. III.B be pulled to the Regular Agenda for further clarification.

*Mr. Pat Walsh, Transportation Director*, stated the city has developed a Town Center Pedestrian and Bicycle Project with the intent to provide safe and convenient access for pedestrians and bicyclists to and within the higher-activity Town Center area of Sugar Land. A primary focus of the strategic project was to identify funding. While significant funding has been secured, a shortfall remains. In September 2009, Council approved a resolution committing the city to a 20 percent match to \$2,154,507 in federal funding, but the federal funds and local match were not adequate to fund the entire project. TxDOT recently announced a potential funding opportunity called the Transportation Enhancement program which is

**RESOLUTION NO. 09-45 – U.S. HIGHWAY 59 PEDESTRIAN  
AND BICYCLE PROJECT (CONTINUED)**

specifically for non-traditional transportation projects, including pedestrian and bicycle facilities. The federal funds of \$67 million are available statewide on an 80/20 basis; applications for the funds are due on December 11, 2009 and require a funding resolution for the local match.

Since the city has funding for the Town Center project, the Transportation Enhancement nomination must designate a smaller portion of the Town Center project; the cost of this portion should approximate the funding shortfall. The project includes the following improvements along U.S. 59 between Williams Trace Boulevard and Ditch “H”: Ten foot wide shared use paths along the northbound and southbound frontage roads; continental-style crosswalks at driveways and roadway intersections; and special pedestrian crossing improvements including enhanced illumination and pedestrian railings at the State Highway 6 and Sweetwater interchanges.

The funding resolution states the city commitment for a 20 percent match to the TxDOT funds. Funding for the 20 percent match including identification of a funding source will be considered through CIP development for Fiscal Year 2011 which begins in spring 2010. If awarded, timing of the project will be Fiscal Year 2011. Staff will return to Council at a later date with regard to more design and layout details of the program.

Following a full and complete discussion, *Council Member Chaumette*, seconded by *Council Member Olson*, made a motion to approve **CITY OF SUGAR LAND RESOLUTION NO. 09-45** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, REQUESTING THAT THE TEXAS DEPARTMENT OF TRANSPORTATION ALLOCATE FUNDS FOR THE CITY’S U.S. HIGHWAY 59 PEDESTRIAN AND BICYCLE PROJECT; AND EXPRESSING THE CITY’S COMMITMENT TO FUNDING ITS SHARE OF THE PROJECT COSTS. The motion carried unanimously.

**RESIDENTIAL SOLID WASTE AND RECYCLING SERVICES IN RIVERPARK**

*Mayor Thompson* introduced consideration on authorizing execution of a Contract in the amount of \$166,027.00 with WCA Waste Corporation of Texas, LP for residential solid waste and recycling services in Riverpark. *Mayor Thompson* requested Item III.E be pulled to the Regular Agenda for clarification.

*Mr. Mike Goodrum, Community and Environmental Director*, stated Riverpark was annexed into the City of Sugar Land effective December 1, 2009; WCA was the solid waste provider in Riverpark. When Riverpark was annexed, the contract between the MUD Board and WCA became the City’s contract and was set to expire in November 2011. There were service level issues with the contract, and the city wanted to ensure that Riverpark residents had the same service levels as the City. WCA has agreed to increase the service levels, including holiday pickup, Christmas Tree recycling, increased plastic and paper recycling, and bulk waste/tree limbs pickup increased to twice a week with no bundling required. WCA agreed that there would be no cost increase in the contract. Contract was restructured to expire February 28, 2013.

Contract pricing in Fiscal Years 2010 and 2011 is \$14.13 per house per month, and there are escalators for Fiscal Years 2012 and 2013 to provide for CPI increases.

**RESIDENTIAL SOLID WASTE AND RECYCLING SERVICES IN RIVERPARK (CONTINUED)**

Following a full and complete discussion, *Council Member Olson*, seconded by *Council Member Chaumette*, made a motion to approve execution of a Contract in the amount of \$166,027.00 with WCA Waste Corporation of Texas, LP for residential solid waste and recycling services in Riverpark. The motion carried unanimously.

**DONATIONS**

**50<sup>TH</sup> ANNIVERSARY COMMEMORATIVE SCULPTURE AND  
NEW YEAR'S EVE CELEBRATION**

*Mayor Thompson* introduced consideration on authorizing acceptance of donations in the amount of \$80,357.00 for 50<sup>th</sup> Anniversary Commemorative Sculpture and New Year's Eve Celebration; and authorizing a budget adjustment in the amount of \$80,357.00 to revenues and expenditures.

*Ms. Pat Pollicoff, Public Communications Director*, stated one of the elements to commemorate the City of Sugar Land's 50 years of incorporation was to commission a historical bronze sculpture to be permanently displayed in City Hall. The Golden Anniversary citizens committee and staff solicited donations to fund the bronze sculpture and donor plaques.

Total cost of the sculpture including donor plaques and installation was \$37,900. A total of \$80,357 was graciously donated from businesses and individuals throughout the community. Remaining funds will be used to assist in funding the 50<sup>th</sup> anniversary signature event that will be held on New Year's Eve in Town Square.

Following is the list of all contributions. Donors giving an amount of \$500 and above will have their names inscribed on a bronze plaque adjacent to the statue.

**Diamond - \$7,500**

Imperial Sugar Company

**Platinum - \$5,000**

Cherokee Sugar Land, LP  
Healix, Inc.  
Newland Communities

**Gold - \$2,500**

Indo American Forum of Fort Bend  
James & Nathelyne Kennedy  
Planned Community Developers, Ltd.  
Republic Services, Inc.  
Paul, Manmeet, Kanchan, & Gary Likhari

**DONATIONS (CONTINUED)**

**50<sup>TH</sup> ANNIVERSARY COMMEMORATIVE SCULPTURE AND  
NEW YEAR'S EVE CELEBRATION (CONTINUED)**

**Silver - \$1,000**

Classic Chevrolet Sugar Land  
First Colony Community Association  
First Community Bank, N.A.  
Granite Properties  
Harish and Shashi Jajoo  
Councilman & Mrs. Russell C. Jones  
Mercedes-Benz of Sugar Land  
Minghui Cao & Quntao Yu, M.D.

Minute Maid  
Null-Lairson, P.C.  
Councilman Michael S. Schiff  
Schlumberger  
Chandrika Sudha Sharma  
The Victorino & Bernardo Family  
Dale & Lori Westbrook

**Bronze - \$500**

Councilman Thomas & Sarah T. Abraham  
Lt. Muhammad Ashraf & Family  
Harvinder, Ranjit, Tanya & Anisha Arora  
Avalon Community Association  
Sesh, Prabha & Vikram Bala  
Muthirulandi & Maragatham Balakrishnan  
Subodh & Sonal Bhuchar  
Vinod & Vijay Bhuchar  
David & Eugenia Blomstrom  
The Allen Bogard Family  
Carole D. & Robert C. Brown III  
Stanton, Liz, Audrey & Alyssa Brown  
Carrabba's  
Honorable Jacqueline & David Chaumette  
Bellford & Judy Chong  
Tom & Kathryn Coughlin  
Commonwealth Civic Association  
Community Association of the Highlands  
Corelli's Italian Café  
CVR Energy, Inc.

The Exchange Club of Sugar Land  
Carl, Mary & Zoe Favre  
Freed Advertising, L.P.  
FROST  
Dr. Kim & Betty Gee  
Dr. Manisha Ghei & Dr. Puneet Ghei  
Larry & Monique Harrison  
Bill & Michelle Hickl  
Houston Federal Credit Union  
Dean & Jenny Hrbacek  
Keep Sugar Land Beautiful  
Col. & Mrs. David Kiger (USA Ret.)  
Nat & Leela Krishnamurthy  
James & Marian Lord  
Paul & Judi Marchand Family  
Jake Messinger & Amy Mitchell  
Elise & David Moss  
Xa & Thu-Nga Nguyen  
Councilman & Mrs. Donald G. Olson  
Rick & Tanya Pal

Hansa & Naren R. Patel  
Perry's Steakhouse & Grille  
The Petitjean Family  
Dr. & Mrs. Raghuthaman & Family  
Dr. William & Teresa Reading  
Settlers Park Home Owners Association  
Shah Companies

Ishwar Singh & Madhu Singh Jat  
Councilman & Mrs. Donald L. Smithers  
Charles & Paula Stansell  
Sugar Mill Community Association, Inc.  
The Family of Curley & Agnes Thomas  
Mayor James & Gay Thompson  
Marlena Berger & Bill Toomey

**DONATIONS (CONTINUED)**

**50<sup>TH</sup> ANNIVERSARY COMMEMORATIVE SCULPTURE AND  
NEW YEAR'S EVE CELEBRATION (CONTINUED)**

**Bronze - \$500**

University of Houston System at Sugar Land  
Samuel & Terri Wang  
WJ Interests, LLC

Mr. & Mrs. Ronald Paul Wright & Family  
John, Bridget & Kristin Yeung

**Sugar Cane - \$100**

Anti-Defamation League  
Herb & Emelia Appel  
Barbara Lee Cochran  
Memorial Hermann Sugar Land

Billy & Terry Roy  
Lynn Valentz  
John Volek

**Other**

Robin Bryant  
Larry & Ann Davidson  
Jon & Linda Davis  
Deanna Teel

Following a full and complete discussion, ***Council Member Olson***, seconded by ***Council Member Chaumette***, made a motion to approve acceptance of donations in the amount of \$80,357.00 for 50<sup>th</sup> Anniversary Commemorative Sculpture and New Year's Eve Celebration; and authorizing a budget adjustment in the amount of \$80,357.00 to revenues and expenditures. The motion carried unanimously.

**CONTRACTS AND AGREEMENTS**

**JOINT RADIO COMMUNICATIONS SYSTEM**

***Mayor Thompson*** introduced consideration on authorizing execution of Radio Communication System License Agreement by and between the City of Sugar Land, City of Missouri City, and City of Houston for use of joint radio communications system located at 3849 Cartwright Road, Missouri City, Texas.

***Mr. Douglas Brinkley, Police Chief***, presented an overview stating the City of Sugar Land and the City of Missouri City entered into an agreement in 1997 to jointly own and maintain a Radio Communications System (Radio Tower), located at 3849 Cartwright Road in Missouri City, which enabled each city to provide radio communication services for the respective Police, Fire, Public Works, and other Municipal Departments. The Radio System was upgraded in 2004 to the Smart Zone technology and the cities became a member of the Harris County Regional Radio System that has interoperability capabilities to communicate with any one of 246 departments in 8 area counties.

**CONTRACTS AND AGREEMENTS (CONTINUED)**

**JOINT RADIO COMMUNICATIONS SYSTEM (CONTINUED)**

In an effort to continually improve radio interoperability among area agencies, the City of Houston desires to enter into a license agreement with the City of Sugar Land and the City of Missouri City for use of the jointly owned radio tower facility located at 3849 Cartwright Road, Missouri City, Texas.

City of Houston has asked to place radio communications equipment on the tower to improve communications capability throughout the greater Houston area. The improvements will provide enhanced inter-agency communications. Equipment that has been agreed upon shall consist of four Microwave dishes, one TX Antenna, two RX Antennas, and two GPA Antennas.

City of Houston has agreed to pay a monthly fee of \$1,000 with an annual escalation of 2 percent to be shared equally by City of Sugar Land and City of Missouri City. Initial term for the license shall be for 10 years. City of Houston will be responsible for all costs related to installation, maintenance, operation, insurance and utility usage associated with the equipment.

The license agreement was presented to the City of Missouri City and approved by the City Council.

**Council Member Jones** inquired regarding usage of the tower by the City of Houston and if it would limit capacity of the tower, space in the equipment room, and future expansion. Staff stated technical issues were reviewed by City of Missouri City radio systems manager Robert Girndt who concluded that usage of the tower by City of Houston would not inhibit the ability to expand the system. Regarding rates for public and private subscribers to the system, a fee is charged for each radio on the system.

Following a full and complete discussion, **Council Member Abraham**, seconded by **Council Member Chaumette**, made a motion to approve execution of Radio Communication System License Agreement by and between the City of Sugar Land, City of Missouri City, and City of Houston for use of joint radio communications system located at 3849 Cartwright Road, Missouri City, Texas. The motion carried unanimously.

**AMEND THE ORDER OF THE AGENDA**

**Mayor Thompson** stated the order of the Agenda would be amended to accommodate the Public Hearings at 6:00 o'clock P.M.

**ORDINANCES AND RESOLUTIONS**

**RESOLUTION NO. 09-42 – THE MUNICIPAL CHANNEL**

**Mayor Thompson** introduced **CITY OF SUGAR LAND RESOLUTION NO. 09-42** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AMENDING THE CITY COUNCIL POLICY GOVERNING THE USE OF THE MUNICIPAL CHANNEL.

**Mr. Doug Adolph, Assistant Communications Director**, stated the amendment will allow governmental



**ORDINANCES AND RESOLUTIONS (CONTINUED)**

**RESOLUTION NO. 09-42 – THE MUNICIPAL CHANNEL (CONTINUED)**

agencies and property associations in Sugar Land to submit meeting and event notices for consideration on a community Bulletin Board. The resolution was tabled at the November 17 City Council meeting, and staff was asked to clarify language to describe intent of the resolution to allow government agencies and property associations in Sugar Land to submit content; a related fee ordinance was approved on first reading with final reading approved on the Consent Agenda of December 1.

Several changes to Resolution 09-42 have been made to address comments from November 17. The term “governmental” was removed from both sections entitled “Objectives” and “Policy”. A statement was added specifying that one of the purposes of SLtv16 is to “inform residents about meeting and event notices of government and property association groups in Sugar Land”. Reference to a 6-month pilot project was deleted.

Following the November 17 meeting, staff met with the City Legal Department to discuss rewording Resolution 09-42 and was reminded that to remain a governmental access channel, the city must completely control the programming so that the message is considered the City message.

Legal suggested the following content: “The municipal channel offers a communication medium to deliver information provided by the City to citizens. All information aired on the municipal channel is considered information provided by the City for the benefit of the public.”

One of the purposes added to Resolution 09-42 reads as follows: “Inform residents about meeting and event notices of government and property association groups in Sugar Land.” Reference to a 6-month pilot project was deleted in the Resolution.

Staff intent is to monitor the program and report back to Council as necessary. Next steps include: the resolution requires one reading, and with Council approval, staff will begin publicizing the new program. Staff will present a proposal for non-profit content in January, and with Council feedback will implement the proposal immediately.

Following a full and complete discussion, *Council Member Chaumette*, seconded by *Council Member Smithers*, made a motion to approve **CITY OF SUGAR LAND RESOLUTION NO. 09-42** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AMENDING THE CITY COUNCIL POLICY GOVERNING THE USE OF THE MUNICIPAL CHANNEL. The motion carried unanimously.

**RESOLUTION NO. 09-44 – FORT BEND COUNTY CENTRAL APPRAISAL DISTRICT  
FOR THE 2010-2011 TERM**

*Mayor Thompson* introduced **CITY OF SUGAR LAND RESOLUTION NO. 09-44** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, CASTING ONE HUNDRED THIRTY (130) VOTES IN THE ELECTION OF FIVE DIRECTORS OF THE FORT BEND COUNTY CENTRAL APPRAISAL DISTRICT FOR THE 2010-2011 TERM.

**ORDINANCES AND RESOLUTIONS (CONTINUED)**

**RESOLUTION NO. 09-44 – FORT BEND COUNTY CENTRAL APPRAISAL DISTRICT  
FOR THE 2010-2011 TERM (CONTINUED)**

*Ms. Linda Symank, Fiscal Services Director*, stated this is a five-member Board that serves for two years beginning January 1, 2010. There have been a total of 5,000 votes allocated among the taxing entities based on the tax levies, with the City of Sugar Land receiving an allocation of 130 votes.

A summary of the status of voting was provided to Council; and currently there are seven nominees with one write-in candidate. Each taxing entity must vote and submit a resolution to the Chief Appraiser before December 15, and the election results will be announced at the Board meeting on December 21, 2009.

*Council Member Jones* inquired regarding the option of a write-in candidate. Staff stated there was discussion on the issue; Lamar Consolidated Independent School District (LCISD) tabled the item, and consulted with their attorney; based on attorney advice, their statement was that LCISD had not received the notice to submit a nomination, and at that time submitted a write-in candidate. The Appraisal District attorney originally stated there would be no write-in candidate, the item was tabled, and the write-in candidate was then submitted. Since that time, the city has received no comments from the Appraisal District attorney.

*Mayor Thompson* asked for Council recommendations on the votes.

*Council Member Jones* noted that 833 votes would confirm there is no chance for a candidate to lose; there will be no point in casting a number of votes for any candidate that would result in exceeding that number. Any uncast votes reduce the number of votes required to elect. Mr. Jones stated he is not aware of the effect of a write-in vote as his recollection is that there is no procedure for write-in votes, stating it will have to be determined if that is a valid vote.

*Council Member Jones* stated he would recommend that Council cast the votes in total for Lee Duggan III.

*Council Member Schiff* stated he supports Lee Duggan, and his recommendation for Council consideration would be a Sugar Land resident, Jim Kij, who has a chance of representing the City and currently has 803 votes. Mr. Schiff would recommend Council casting 30 votes to ensure Jim Kij is named and the balance of 100 votes for Lee Duggan III.

Council consensus was for City Council to cast 30 votes for Jim Kij and 100 votes for Lee Duggan III.

Following a full and complete discussion, *Council Member Schiff*, seconded by *Council Member Abraham*, made a motion to approve **CITY OF SUGAR LAND RESOLUTION NO. 09-44** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, CASTING ONE HUNDRED THIRTY (130) VOTES IN THE ELECTION OF FIVE DIRECTORS OF THE FORT BEND COUNTY CENTRAL APPRAISAL DISTRICT FOR THE 2010-2011 TERM, and casting 30 votes for Jim Kij and 100 votes for Lee Duggan III. The motion carried unanimously.

**PUBLIC HEARING**

**PERMANENT ZONING OF 29.943 ACRES – TELFAIR SECTION 10**

*Mayor Thompson* convened the Public Hearing to receive and hear all persons desiring to be heard on permanent zoning of 29.943 acres Telfair Section 10.

*Ms. Lisa Kocich-Meyer, Senior Planner*, stated this is a request to permanently zone the area of proposed Telfair Section 10 and the site for the City of Sugar Land Fire Station No. 7, which consists of approximately 30 acres in the Telfair subdivision. The property is located north of New Territory Boulevard, south of Telfair Section 13, and east of Chatham Avenue and Telfair Sections 9 and 19.

The Telfair General Plan was recently approved by Council at the November 17 meeting. The Planning and Zoning Commission held a Public Hearing on the item at the October 22 meeting and no members of the public spoke. The Commission unanimously recommended approval of the permanent R-1 zoning request at the November 10 meeting.

*Mayor Thompson* entertained comments from the public; hearing none the Public Hearing was closed.

**ORDINANCE NO. 1767 – PERMANENTLY ZONING 29.94 ACRES - TELFAIR**

*Mayor Thompson* introduced **FIRST CONSIDERATION: CITY OF SUGAR LAND ORDINANCE NO. 1767** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, PERMANENTLY ZONING 29.94 ACRES OF LAND LOCATED NORTH OF NEW TERRITORY BOULEVARD AND EAST OF CHATHAM AVENUE IN THE TELFAIR DEVELOPMENT AS STANDARD SINGLE FAMILY RESIDENTIAL (R-1) DISTRICT.

*Ms. Lisa Kocich-Meyer, Senior Planner*, stated there were no further comments.

Following a full and complete discussion, *Council Member Smithers*, seconded by *Council Member Chaumette*, made a motion to pass to second reading **CITY OF SUGAR LAND ORDINANCE NO. 1767** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, PERMANENTLY ZONING 29.94 ACRES OF LAND LOCATED NORTH OF NEW TERRITORY BOULEVARD AND EAST OF CHATHAM AVENUE IN THE TELFAIR DEVELOPMENT AS STANDARD SINGLE FAMILY RESIDENTIAL (R-1) DISTRICT. The motion carried unanimously.

**PUBLIC HEARING**

**CREATION OF 701.96 ACRES - REINVESTMENT ZONE NUMBER FOUR**

*Mayor Thompson* convened the Public Hearing to receive and hear all persons desiring to be heard on creation of 701.96 Acres as Reinvestment Zone Number Four.

*Ms. Regina Morales, Director of Economic Development*, stated the proposed Tax Increment Reinvestment Zone Number Four covers approximately 700 acres within the City of Sugar Land and is located at the intersection of U.S. 59 and University Boulevard, the four corner area. The Zone will be created for a term of

**PUBLIC HEARING (CONTINUED)**

**CREATION OF 701.96 ACRES - REINVESTMENT ZONE NUMBER FOUR (CONTINUED)**

30 years pursuant to the Texas Tax Code, and the area covers the 300 acres of commercial reserves within Telfair on the northeast and northwest quadrants, the southeast quadrant, and includes the University of Houston campus.

The Zone was created for the purpose of financing public improvements and facilities necessary to support development of employment, commercial, cultural arts, sports and entertainment districts within an urban-density mixed use center. This is based upon the Conceptual Plan that was done with Newland Communities and is projected to be approximately 5.1 million square feet that includes retail, office, residential, hotel, conventions, civic, arts, and entertainment components. A full build-out is expected in about 2020.

Notice of City intent to create the Zone was sent to all taxing entities on September 3, 2009. The original configuration of the Zone was 300 acres of commercial reserves; it was determined that there was benefit to adding the University of Houston site, and an amended Notice of Zone creation was sent to all taxing entities on October 20, 2009 to notify the entities of the change in size of the Zone. On November 18, notice of Public Hearing was published in the Fort Bend Star.

The Preliminary Project Plan is a requirement in the creation of a tax increment reinvestment zone. The plan states the development will include a collection of unique districts; the project will be developed at urban densities in a walk-able form; and the project design incorporates public open spaces, plazas, and gathering places as well as pedestrian and bicycle facilities.

A dense mixed-use urban district will include the entertainment, retail, office, hotel, convention, and residential uses within the southeast quadrant; an arts district, corporate office, employment center, mixed-use waterfront that will include office, commercial, residential district; a retail commercial district, and a business office district.

Within the Project Plan are public improvements that will include entertainment venues, theaters, plazas, stadiums, parks, and associated facilities. Public improvements (project costs) eligible to be financed by the Zone are estimated to be \$56,800,000. Private development costs (non-project costs) in the Zone are estimated to be in excess of \$837,802,240.

The Preliminary Financing Plan reflects the project costs or TIRZ eligible expenses and public improvements included in the project: TIRZ = \$56.8 million; 4A/4B/Other = \$155 million; Total of \$211.8 million. Public improvements will be constructed in phases consistent with development of the property. TIRZ expenses that are included were public facilities, buildings, land acquisition, infrastructure, public spaces and streetscapes, and any related project and engineering planning.

The Financing Plan identifies the City participation: 50 percent of the incremental ad valorem taxes received inside the Zone. The city currently allocates the other 50 percent of property taxes received to the MUDs within the proposed Zone. Creation of the TIRZ within the year 2009 would cap the existing taxable value of the property proposed in the Zone: \$22,474,421. Projected taxable values on the improvements that were

**PUBLIC HEARING (CONTINUED)**

**CREATION OF 701.96 ACRES - REINVESTMENT ZONE NUMBER FOUR (CONTINUED)**

written into the Plan show development in Year 10, or 2019, at \$481 million in excess of that; Year 20, in excess of \$935 million; and Year 30, in excess of \$1.3 billion, at the end of the life of the TIRZ.

Next steps include: December 1, 2009, hold Public Hearing for creation of Tax Increment Reinvestment Zone No. 4 and First Reading of Ordinance No. 1768 designating the Zone; December 14, 2009, Formal Presentation on Zone creation to Fort Bend Independent School District board by City staff; and December 15, 2009, Second Reading of Ordinance No. 1768 designating the Zone. The formal presentation to Fort Bend County Commissioner's Court occurred on November 20, 2009.

*Mayor Thompson* entertained comments from the public; hearing none the Public Hearing was closed.

**ORDINANCE NO. 1768 – DESIGNATING 701.96 ACRE GEOGRAPHIC AREA  
WITHIN CITY OF SUGAR LAND AS REINVESTMENT ZONE NUMBER FOUR**

*Mayor Thompson* introduced **FIRST CONSIDERATION: CITY OF SUGAR LAND ORDINANCE NO. 1768** AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, DESIGNATING A CONTIGUOUS 701.96 ACRE GEOGRAPHIC AREA WITHIN THE CITY OF SUGAR LAND, TEXAS, AS REINVESTMENT ZONE NUMBER FOUR, CITY OF SUGAR LAND, TEXAS; CREATING A BOARD OF DIRECTORS FOR SUCH ZONE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND CONTAINING OTHER MATTERS RELATED THERETO.

*Ms. Regina Morales, Director of Economic Development*, stated regarding creation of the Board of Directors, the ordinance states how the Board will be appointed; five positions will be created, four from the city and one from the county if they choose to participate in the TIRZ; and sets forth deadlines for appointments ending December 31, 2010.

Staff recommends approval of Ordinance No. 1768 on passage to the Second Reading for December 15.

Following a full and complete discussion, *Council Member Chaumette*, seconded by *Council Member Jones*, made a motion to pass to second reading **CITY OF SUGAR LAND ORDINANCE NO. 1768** AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, DESIGNATING A CONTIGUOUS 701.96 ACRE GEOGRAPHIC AREA WITHIN THE CITY OF SUGAR LAND, TEXAS, AS REINVESTMENT ZONE NUMBER FOUR, CITY OF SUGAR LAND, TEXAS; CREATING A BOARD OF DIRECTORS FOR SUCH ZONE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND CONTAINING OTHER MATTERS RELATED THERETO. The motion carried unanimously.

**WORKSHOPS**

**GAS AND ELECTRIC FRANCHISE AGREEMENTS – CENTERPOINT ENERGY**

*Mayor Thompson* introduced discussion on gas and electric franchise agreements with CenterPoint Energy.

**WORKSHOPS (CONTINUED)**

**GAS AND ELECTRIC FRANCHISE AGREEMENTS – CENTERPOINT ENERGY (CONTINUED)**

*Ms. Eugenia Cano, Assistant City Attorney*, stated franchise agreements related to providing electric and natural gas services to the residents and businesses of Sugar Land were two of the earliest ordinances that the City's original Council approved, both the gas and electric in 1960 with terms of 50 years, and the franchises are set to expire in 2010. Currently, staff is in the process of re-franchising with the CenterPoint Energy gas and electric divisions.

A franchise fee is basically a user fee in exchange for permission to use and work in the City-owned right-of-way, and CenterPoint passes this cost on to customers' utility bills. The current Electricity franchise originally was \$500 per year plus 4 percent of annual gross receipts. The legislature later enacted a statute that defines the fee which is a formula based on 1998 revenue divided by the 1998 kWh delivered in the City. It is a fixed number that never changes and is multiplied by the kWh delivery. The statute states the electric utility cannot be charged more than that amount; there are no escalators. The parties can agree to a different transfer fee arrangement. The current Gas franchise is 2 percent of annual gross receipts; the statute states the gas utility cannot be charged more than that amount unless the parties agree to a different fee arrangement. Regarding negotiation objectives, staff met with the Audit and Finance Committee and agreed to protect the ratepayers and right-of-way operations.

Staff contacted CenterPoint Energy regarding the franchising process. Standardized form agreements have been provided to the city, both of which are 30-year terms, and are standardized across most CenterPoint cities. CenterPoint stated there are different versions for the electric and the gas.

Regarding the Gas franchise, one agreement required City relinquishing the original rate jurisdiction, but was not required in the other agreement. Staff was advised by the city Audit and Finance Committee that they would not recommend relinquishing the original jurisdiction over gas rates; Staff will proceed with the Committee recommendation.

In the proposed Gas franchise, CenterPoint will pay for relocations related to the widening, change of grade, or relocation by City of streets or public rights-of-way and for the construction of utility lines or drainage facilities; and excludes services directly to the City. In the proposed Electric franchise, CenterPoint will pay for relocations necessary for construction of roads, utility lines, or drainage facilities; and excludes streetlights and services directly to the City.

*Ms. Karen Daly, Assistant City Manager*, stated the proposed Electric franchise formula was presented to the City by CenterPoint and represents the standard formula in the agreement. CenterPoint is willing to pay a premium to cities in the form of a franchise fee in order to have standardized agreements. The franchise formula includes a base of \$3.2 million annually plus annual adjustment factor of base times kWh delivered in previous year/kWh delivered in 2005 (1,104,917,509 kWh). In Fiscal Year 2008, the city collected \$3.1 million in franchise revenue, and in Fiscal Year 2009 collected \$3.2 million; assuming Fiscal Year 2009 electricity usage, Fiscal Year 2010 estimate with current fee is \$3.2 million. In using the proposed formula in the standardized agreement, the city would collect \$3.219 million which is the base rate that CenterPoint has agreed, plus an adjustment factor; the estimate would be \$3.445 million.

**WORKSHOPS (CONTINUED)**

**GAS AND ELECTRIC FRANCHISE AGREEMENTS – CENTERPOINT ENERGY (CONTINUED)**

If the city does not relinquish the original jurisdiction, the proposed Gas franchise fee offered to the City includes 4 percent of the company gross receipts plus \$0.07 per Mcf for natural gas transported within the City Limits. Regarding the Gas franchise revenue, Fiscal Year 2008, \$261,230; Fiscal Year 2009, \$372,540; Fiscal Year 2010 estimate using current 2 percent fee rate, assuming Fiscal Year 2009 gross receipts, would be \$372,540. For Fiscal Year 2010, at the proposed 4 percent fee that has been offered by CenterPoint plus the \$0.07 per Mcf, City would collect \$771,513.

*Council Member Olson* questioned the impact if City does not want franchise fees coming in as long as the city gets the repairs done and other services. He would prefer to have the fee paid in a direct tax so that residents understand rather than seeing the fee on their electric or gas bills.

*City Manager Bogard* stated he would not propose increasing the fee.

*Council Member Schiff* stated in discussions in the Audit and Finance Committee meeting, the proposal seemed to keep things about the same on the electric side, and he does not want to raise taxes. Mr. Schiff stated he would be inclined to leave the gas at the 2 percent; the city does not lose revenue and taxes would not be raised; on the electric side under the proposed fee, it would be virtually the same; there should not be a material change to the city or to the residents if the proposed electric franchise fee is accepted. On the gas franchise fee, it may be 50 cents a month, but is still a tax increase and prefers to leave it at the 2 percent.

*Mayor Thompson* stated that Council is amenable to the agreements but does not want any increase in rates to the residents if they use the same amount of electricity next year as was used this year.

*Mr. Steve Greenley, CenterPoint Service Area Director*, stated the proposed electric franchise is an increase from the statutory method and is based on kWh usage. If the city wants the franchise fee to remain the same per resident, he stated the city should stay with the statutory calculation that exists at the 1998 number times a percentage, and the calculation would remain the same.

*Mr. Alexander May, CenterPoint Service Area Director*, stated on the gas side, the 2 percent is a standard franchise fee that the State of Texas has established. Gas is a different commodity than the electric; it is a declining product. Gas consumption has been reducing at 2 percent a year over the last 30 years. Unlike the electric side where growth is continuing, natural gas is declining. Mr. May stated that the standard proposal can be provided to the city at the 2 percent minimum; if that is what Council desires, CenterPoint can clearly facilitate.

*Mayor Thompson* polled the Council regarding the proposed gas and electric franchise agreements. Council agreed to the 30-year terms, keeping the existing statutory electric franchise formula, and keeping the gas franchise fee at the current 2 percent. The major concern was that residents' taxes would not be increased.

Staff stated that the next steps will include negotiating Memorandums of Understanding with CenterPoint on the gas and electric that address some of the operational details and expectations regarding service response. Staff will bring back to Council the First Reading of both utility franchise agreements on December 15 and

**WORKSHOPS (CONTINUED)**

**GAS AND ELECTRIC FRANCHISE AGREEMENTS – CENTERPOINT ENERGY (CONTINUED)**

the Second Reading of utility franchise agreements on January 5, 2010.

**PUBLIC WORKS/UTILITIES MAINTENANCE FACILITY MASTER PLAN**

*Mayor Thompson* stated that the Public Works/Utilities Maintenance Facility Master Plan workshop was being removed from the Agenda at the request of staff.

**CONSOLIDATION REPORT FOR PUBLIC SAFETY DISPATCH**

*Mayor Thompson* introduced discussion on consolidation report for public safety dispatch.

*Mr. Steve Griffith, Assistant City Manager*, stated the Public Safety Chiefs from Missouri City, Stafford, and Sugar Land met in 2009 to discuss common issues with Public Safety Dispatch. The agreement was that the response for Police and Fire incidents would be more effective if the cities considered a combined dispatch operation for the three cities. The decision was made to initiate a Feasibility Study and determine the merits of the venture. A strategic management project was created in Sugar Land in the 2009-2010 Plan.

*Ms. Shannon Price, Public Safety Dispatch Manager*, stated many of the crimes that are committed cross over community boundaries; information sharing is a key element in predicting and responding to criminal activity. Currently there is a several-step process to notify officers in another city to be on the lookout for a suspect crossing the boundary from our city into another city. With a combined dispatch center, the time-consuming process would be eliminated.

The fire departments have mutual aid agreements with one another and by agreement will commonly respond to large events or to geographically common events. A central dispatch would allow operator to dispatch the apparatus from both cities at the same time, thereby giving more effective response for the fire departments.

The types of activities are common between the cities in addition to common internal structures. Similar threats are faced from areas outside of our jurisdiction. By having a central point for receiving and disseminating information, there would be a more effective and efficient response.

Part of the analysis for pursuing a joint dispatch center would be long-term cost effectiveness. Short-term savings are not always realized due to initial costs of equipment and facilities. In the long run, efficiencies and operation costs may be realized by sharing of staff, dispatch, consoles, and equipment. From an operational standpoint, it is believed that efficiency can be realized in response times. A common radio system and a common computerized dispatch system would enable the dispatchers to more rapidly relay information to first responders in multiple jurisdictions.

Mr. Griffith stated that Missouri City and Sugar Land received preliminary commitments to move forward; Stafford was unable to secure the commitment. City staff and Missouri City would like to move forward with a consolidation study and presented the information to the City Council in Missouri City; it was



**WORKSHOPS (CONTINUED)**

**CONSOLIDATION REPORT FOR PUBLIC SAFETY DISPATCH (CONTINUED)**

approved. The City of Sugar Land has several contractual and working relationships with the City of Missouri City.

Staff recommended that the city proceed with a Request for Qualification process to select an engineering firm to perform the study, and the cost of the study would be allocated by population between the two cities.

Council discussion ensued regarding who would control the combined dispatch operation; concerns about loss of control and ensuring quality of service; other entities that were approached; initiate an interim step for entities to purchase similar computer software and communicate more readily; being more responsive and spending less money would be the goal, with the concern for not being impaired in any way with the ability to respond.

Staff stated there would be one location and one personnel to dispatch for the cities; recommended only cities at the east end of the county would participate; and commented that the City of Meadows Place is unable to participate, currently does not pay for dispatch, and are dispatched by Fort Bend County.

**Mayor Thompson** stated Council direction would be to move forward with the study. There are concerns in that Council would like to achieve efficiency but are not willing to give up any service level or the opportunity to control. Council would like the input of the Police Department, the officers, and the other entities involved.

**CITY COUNCIL CITY MANAGER REPORTS**

**CITY COUNCIL REPORTS**

**Mayor Thompson** introduced Community Events Attended or Scheduled.

**Council Member Chaumette** reported attending the Transportation Policy Council meeting for the Houston-Galveston Area Council.

**Council Member Abraham** reported attending the SLDC meeting.

**Council Member Olson** reported he attended the first SL4B organizational meeting and the Children at Risk seminar presented by the George Foundation.

**CITY MANAGER REPORT**

**City Manager Bogard** reported on December 3 there will be two events held, the Employee Banquet at 11:00 a.m. at the Marriott Hotel and the Christmas Tree Lighting in Town Square; the Council workshop scheduled for December 22 is being cancelled.

**RECESS REGULAR MEETING**

*Mayor Thompson* recessed the Regular Meeting to go into Closed Executive Session, time 7:25 o'clock P.M.

**CLOSED EXECUTIVE SESSION**

*Mayor Thompson* introduced **Closed Executive Session as authorized by Chapter 551, Texas Government Code, in accordance with:**

**Public Officers and Personnel Matters** Section 551.074:

- a) For the purpose of discussion with respect to the appointment of members to the boards of Tax Reinvestment Zone Number One and Tax Reinvestment Zone Number Three. *Ms. Glenda Gundermann, City Secretary.*
- b) For the purpose of discussion with respect to the Municipal Court Judge annual performance evaluation. *Mr. James A. Thompson, Mayor.*
- c) For the purpose of discussion with respect to the City Manager annual performance evaluation. *Mr. James A. Thompson, Mayor.*

*Council Member Jones* left the meeting, time 8:00 o'clock P.M.

**ADJOURN CLOSED EXECUTIVE SESSION**

*Mayor Thompson* adjourned the Closed Executive Session, time 8:45 o'clock P.M.

**RECONVENE MEETING**

*Mayor Thompson* reconvened the Regular Meeting, time 8:47 o'clock P.M.

**CITY MANAGER**

*Mayor Thompson* introduced setting the annual salary for Allen Bogard, City Manager for the period October 01, 2009 through September 30, 2010. *Mayor James A. Thompson.*

Following a full and complete discussion, *Mayor Thompson*, seconded by *Council Member Olson*, made a motion to approve the annual salary for Allen Bogard, City Manager for the period October 01, 2009 through September 30, 2010. The motion carried unanimously.

<b>MUNICIPAL COURT JUDGE</b>
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*Mayor Thompson* introduced setting the annual salary for Judge Craig Landin, Sugar Land Municipal Court for the period October 01, 2009 through September 30, 2010. *Mayor James A. Thompson.*

Following a full and complete discussion, *Mayor Thompson*, seconded by *Council Member Schiff*, made a motion to approve setting the annual salary for Judge Craig Landin, Sugar Land Municipal Court for the period October 01, 2009 through September 30, 2010. The motion carried unanimously.

<b>ADJOURN</b>
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There, being no further business to come before Council, *Council Member Smithers*, seconded by *Council Member Olson*, moved that the meeting adjourn. The motion carried unanimously and the meeting adjourned, time at 8:50 o'clock P.M.

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Glenda Gundermann, City Secretary

(SEAL)